

AMENDED IN SENATE MAY 31, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2679

Introduced by Committee on Transportation (Assembly Members Bonnie Lowenthal (Chair), Jeffries (Vice Chair), Achadjian, Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Logue, Miller, Portantino, and Solorio)

March 6, 2012

An act to amend Sections 935.7, 14685, and 29532.4 of the Government Code, to amend Sections 99155, 99155.5, 99206.5, 99207, 99214, 99220, 99233.12, 99238, 99238.5, 99260.7, 99262, 99268.5, 99285.2, and 99401.5 of the Public Utilities Code, to amend Sections 6480.1 and 60116 of the Revenue and Taxation Code, to amend Sections 349, 366, 374, 392, 411, 446, 452, 478, 485, 493, 527, and 538 of, and to amend and repeal Section 410 of the Streets and Highways Code, *and to amend Sections 22561 and 29004 of*, and to repeal Section 27314.5 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law authorizes the Department of Transportation (department) to pay claims or damages up to a maximum of \$5,000 without the approval of the California Victim Compensation and Government Claims Board.

This bill would adjust the claim limit that may be paid by the department under these provisions to equal the maximum amount of a claim that can be brought in small claims court.

(2) Existing law authorizes the Department of General Services to establish rules and regulations for the use and maintenance of state buildings and grounds.

This bill would permit the riding of bicycles on designated pathways on the grounds of the State Capitol in order to access bicycle racks near the building entrances.

(3) Existing law, the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state and requires, among other things, specified special accommodations for handicapped persons, as defined, on public transit systems.

This bill would replace the term “handicapped” with the term “disabled” throughout the act.

(4) Existing law authorizes the Solano County Transportation Authority to claim up to 2% of local transportation funds available under the Transportation Development Act for countywide transit planning and coordination relative to Solano County.

This bill would authorize the authority to claim up to 2.7% of those funds for these purposes.

(5) Existing law creates transportation commissions or authorities in certain counties, including Imperial and Los Angeles Counties, with various responsibilities relating to transportation planning and programming, among other things.

This bill would update various obsolete references to the Imperial County Transportation Commission and to the Los Angeles County Metropolitan Transportation Authority to reflect their current names.

(6) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill would acknowledge the relinquishment of the portion of Route 49 in the City of Auburn, the portions of Route 66 in the Cities of Fontana, Rancho Cucamonga, Upland, and Claremont, the portions of Route 74 in the Cities of Palm Desert and Lake Elsinor, the portion of Route 92 in the City of Hayward, a portion of Route 110 in the City of Los Angeles, the portion of Route 111 in the City of Cathedral City, the portion of Route 146 in the City of Soledad, *the portion of Route*

152 in the City of Watsonville, the portion of Route 178 in the City of Bakersfield, the portion of Route 185 in the City of Hayward, the portion of Route 193 in the City of Lincoln, the portions of Route 227 in the Cities of Arroyo Grande and San Luis Obispo, and the portion of Route 238 in the City of Hayward.

(7) Existing law imposes excise taxes and sales and use taxes on motor vehicle fuel, commonly known as gasoline, on jet fuel, and on diesel fuel. Existing law requires the State Board of Equalization to make specified annual adjustments to the tax rates to ensure the revenue neutrality under previously enacted statutory modifications of these tax rates, under which modifications certain taxes increased while others decreased. Existing law requires prepayment of a certain portion of the sales tax liability on these fuels based on annual estimates made by the State Board of Equalization that rely on a specified report of the State Energy Resources Conservation and Development Commission to determine the retail price of fuel.

This bill would require the annual adjustments to sales tax prepayment rates to be made at the same time as the annual adjustments of the fuel tax rates, and would provide for the prepayment rates to account for any changes in the fuel tax rates. The bill would delete the reference to the specified report for determining the retail price of fuels and would instead authorize the board to rely on industry publications reporting that information. The bill would make other related changes.

(8) *Existing law provides for the towing and impounding of vehicles that are, among other things, obstructing a highway, recovered as stolen, abandoned, or illegally parked and provides procedures for a person to recover his or her vehicle from impoundment.*

Existing law specifies requirements relating to securing towed vehicles on certain carriers.

This bill would make technical changes to the procedures for towing a vehicle and for recovering a vehicle from impoundment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 935.7 of the Government Code is
- 2 amended to read:
- 3 935.7. (a) Notwithstanding Section 935.6, the Department of
- 4 Transportation may deny or adjust and pay any claim arising out

1 of the activities of the department without the prior approval of
2 the California Victim Compensation and Government Claims
3 Board if both of the following conditions exist:

4 (1) The amount claimed is equal to or less than the amount
5 specified as the small claims court jurisdictional amount in Section
6 116.221 of the Code of Civil Procedure.

7 (2) The Director of Finance or the Director of Transportation
8 certifies that a sufficient appropriation for the payment of the claim
9 exists.

10 (b) If the department elects not to pay any claim, the department
11 shall provide the notice required by Section 913.

12 (c) Any person who submits any claim arising out of any activity
13 of the Department of Transportation shall comply with every other
14 applicable provision of this part relating to claims against state
15 agencies.

16 SEC. 2. Section 14685 of the Government Code is amended
17 to read:

18 14685. (a) The director shall appoint assistants, clerks, and
19 employees as may be necessary to maintain the state buildings and
20 grounds. The employees shall not have or perform the duties or
21 functions of peace officers.

22 The department may establish rules and regulations for the
23 government and maintenance of the state buildings and grounds
24 consistent with this section. Every person who violates or attempts
25 to violate the rules and regulations is guilty of a misdemeanor.

26 (b) Information regarding missing children provided by the
27 Department of Justice pursuant to Section 11114.1 of the Penal
28 Code shall be posted in public areas of all state-owned or leased
29 buildings that have at least 20,000 square feet of office space, or
30 that are staffed by at least 50 employees, or where service is
31 provided to the general public and in other public areas of
32 state-owned or leased buildings as determined by the department
33 to be reasonable.

34 (c) (1) Consistent with this section, the Department of the
35 California Highway Patrol may establish rules and regulations
36 pertaining to the protection of state employees, properties, buildings
37 and grounds, and occupants of state properties, including, but not
38 limited to, the issuance of permits concerning the use of state
39 buildings, properties, and grounds.

1 (2) A violation of any rule or regulation adopted pursuant to
2 paragraph (1) is a misdemeanor.

3 (3) This subdivision does not apply to state buildings or grounds
4 owned, leased, rented, controlled, used, or occupied by the
5 University of California, the California State University, Hastings
6 College of the Law, the California Exposition and State Fair, the
7 state hospitals of the State Department of Mental Health or the
8 State Department of Developmental Services, the institutions and
9 camps of the Department of Corrections or the Department of the
10 Youth Authority, and the parks and beaches of the Department of
11 Parks and Recreation.

12 (d) Notwithstanding any other law, the riding of a bicycle on
13 paved paths or walkways that are on the grounds of the State
14 Capitol and that the Department of the California Highway Patrol
15 has designated as routes to access bicycle parking racks adjacent
16 to entrances to the State Capitol is permitted if the bicycle is ridden
17 in a manner that is reasonable and prudent, having due regard for
18 pedestrians, weather conditions, visibility, other traffic, and the
19 surface and width of the path or walkway.

20 SEC. 3. Section 29532.4 of the Government Code is amended
21 to read:

22 29532.4. (a) Notwithstanding subdivision (d) of Section 29532,
23 the county transportation commission created in the Counties of
24 Los Angeles, Orange, Riverside, and San Bernardino by Division
25 12 (commencing with Section 130000) of the Public Utilities Code
26 shall not be designated by the Director of Transportation as the
27 transportation planning agency for the area under its jurisdiction,
28 and the Imperial Valley Association of Governments in Imperial
29 County shall not be designated the transportation planning agency
30 for the area under its jurisdiction.

31 (b) Notwithstanding Section 29532, for the purposes of Chapter
32 4 (commencing with Section 99200) of Part 11 of Division 10 of
33 the Public Utilities Code, “transportation planning agency” means
34 the county transportation commission created in the Counties of
35 Los Angeles, Orange, Riverside, San Bernardino, and Ventura by
36 Division 12 (commencing with Section 130000) of the Public
37 Utilities Code, and also includes the County Transportation
38 Commission in Imperial County. The county auditor in each of
39 those counties shall pay to the public transportation entities in the

1 county the amounts allocated by the respective commissions or
2 that association of governments, as the case may be.

3 SEC. 4. Section 99155 of the Public Utilities Code is amended
4 to read:

5 99155. (a) Each transit operator, whether publicly or privately
6 funded all or in part, nonprofit or for profit, which offers reduced
7 fares to senior citizens shall honor the federal Medicare
8 identification card as sufficient identification to receive reduced
9 fares. A transit operator which offers reduced fares to those senior
10 citizens who are less than 65 years old shall also honor the senior
11 citizen identification card issued pursuant to subdivision (b) of
12 Section 13000 of the Vehicle Code.

13 (b) Each transit operator, whether publicly or privately funded,
14 in whole or in part, nonprofit or for profit, which offers reduced
15 fares pursuant to subdivision (a) shall also offer reduced fares to
16 disabled persons, as defined by Section 99206.5, disabled persons,
17 as defined by Section 295.5 of the Vehicle Code, and disabled
18 veterans, as defined by Section 295.7 of the Vehicle Code, at the
19 same rate established for senior citizens. A transit operator shall
20 honor the disabled person or disabled veteran placard identification
21 card issued pursuant to Section 22511.55 of the Vehicle Code.

22 (c) Every transit operator that offers reduced fares to disabled
23 persons shall honor any current identification card that is valid for
24 the type of transportation service or discount requested and that
25 has been issued to an individual with a disability by another transit
26 operator.

27 (d) This section also applies to any dial-a-ride, paratransit, or
28 nonfixed route operator which serves the disabled, but does not
29 apply to a private nonprofit entity which serves the disabled or
30 elderly.

31 (e) Nothing in this section prohibits a transit operator from
32 issuing its own identification card, except that no such card shall
33 be required to be presented in addition to either a federal Medicare
34 card or a card issued pursuant to Section 22511.55 of the Vehicle
35 Code.

36 (f) A transit operator, as defined in subdivision (b), which
37 receives funds pursuant to the Mills-Alquist-Deddeh Act (Chapter
38 4 (commencing with Section 99200)), shall not require that a
39 person requesting transportation be a resident of that transit
40 operator's service area.

1 SEC. 5. Section 99155.5 of the Public Utilities Code is
2 amended to read:

3 99155.5. (a) The Legislature intends that dial-a-ride and
4 paratransit services be accessible to disabled persons, as defined
5 in Section 99206.5. It is intended that transportation service be
6 provided for employment, education, medical, and personal
7 reasons. Transportation for individuals with disabilities is a
8 necessity, and allows these persons to fully participate in our
9 society.

10 The Legislature finds and declares that the term “paratransit,”
11 as used in the federal Americans with Disabilities Act of 1990
12 (Public Law 101-336), refers to transportation services with
13 specific criteria of quality and quantity, and which are required to
14 be made available to limited classes of persons based on eligibility
15 categories; this is often referred to as “ADA paratransit” or
16 “complementary paratransit.” The Legislature finds and declares
17 that the terms “paratransit” and “dial-a-ride,” as used in the laws
18 of this state, apply to a broader range of transportation services
19 and that not all individuals with disabilities under the laws of this
20 state are eligible for “ADA paratransit” under the federal law.

21 (b) Each transit operator, for profit or nonprofit, which provides,
22 or contracts for the provision of, dial-a-ride or paratransit service
23 for individuals with disabilities and which receives public funding
24 pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing
25 with Section 99200)) for that service shall provide the service
26 without regard to either of the following:

27 (1) Whether the person is a member of a household which owns
28 a motor vehicle.

29 (2) Whether the place of residence of the person who requests
30 transportation service is within the service area of the provider.
31 To the extent that they are eligible for the specified service
32 requested, all persons requesting transportation service in the
33 service area of the provider shall be provided service on the same
34 terms and at the same price that service is provided to other persons
35 residing within the service area of the provider.

36 (c) Subdivision (b) does not preclude a provider from offering
37 a subscription service, and does not require a reduction in the
38 amount the provider charges other public or private agencies.

39 (d) Except as required by the federal Americans with Disabilities
40 Act of 1990 (Public Law 101-336) and federal regulations adopted

1 pursuant thereto or by higher standards prescribed by the laws of
2 this state, nothing in this section requires any transit operator which
3 provides service to individuals with disabilities in a manner
4 consistent with subdivision (b) to make those services available
5 outside the operator's established operating service area, or requires
6 the operator to make the presentation of identification a condition
7 to using the service.

8 (e) A transit operator shall honor any current identification card
9 which is valid for the type of transportation service or discount
10 requested and which has been issued to an individual with
11 disabilities by another transit operator.

12 (f) Any person who believes an operator has violated Section
13 99155 or 99155.5 may file a report of the alleged violation with
14 the transportation planning agency or county transportation
15 commission. Any individual with disabilities may request the
16 Attorney General to resolve any dispute as to compliance with
17 Section 99155 or this section.

18 SEC. 6. Section 99206.5 of the Public Utilities Code is
19 amended to read:

20 99206.5. "Disabled person" means any individual who by
21 reason of illness, injury, age, congenital malfunction, or other
22 permanent or temporary incapacity or disability, including, but
23 not limited to, any individual confined to a wheelchair, is unable,
24 without special facilities or special planning or design, to utilize
25 public transportation facilities and services as effectively as a
26 person who is not so affected.

27 As used in this section, a temporary incapacity or disability is
28 an incapacity or a disability which lasts more than 90 days.

29 SEC. 7. Section 99207 of the Public Utilities Code is amended
30 to read:

31 99207. (a) "Included municipal operator" means a city or
32 county which is included, in whole or in part, within a transit
33 district or which has been extended the authority to join a transit
34 district by that district's enabling legislation, and in which city or
35 county public transportation services have continuously been
36 provided, since at least January 1, 1971, by the city or county, by
37 a nonprofit corporation or other legal entity wholly owned by the
38 city or county, or by the University of California.

39 (b) "Included municipal operator" also means the City and
40 County of San Francisco and the Counties of Alameda and Contra

1 Costa with respect to any portion of the unincorporated area
2 thereof, and any city in those counties, which is outside the area
3 of the Alameda-Contra Costa Transit District and which is not
4 receiving adequate local public transportation services, as
5 determined by the Metropolitan Transportation Commission, from
6 any of the transit districts which includes the county or city, taking
7 into consideration, among other things, the amount of such services
8 needed in the county or city, the cost to provide such services, and
9 the amount of such services provided in other areas of the transit
10 district as compared to their needs.

11 (c) “Included municipal operator” also means any city within
12 the County of Sacramento which (1) is outside the activated
13 boundaries of the Sacramento Regional Transit District,
14 (2) contracts with the district for transit services, and (3) provides
15 local transit services within the city that the Sacramento Area
16 Council of Governments annually determines can be better
17 provided by the city than the district, taking into consideration,
18 among other things, the amount and the nature of the services
19 required in the city, the ability of the district to provide the services,
20 the coordination of the services with district services, the
21 remoteness of the city in relation to other district services, the cost
22 of providing the services, the funds available to provide the
23 services, and the amount of services provided in other areas of the
24 district compared to their needs.

25 (d) “Included municipal operator” also means any city or
26 unincorporated area within the County of Los Angeles (1) that is
27 not receiving adequate local public transportation services, as
28 determined by the Los Angeles County Metropolitan
29 Transportation Authority, from either the Southern California
30 Rapid Transit District or any currently “included municipal
31 operator” as defined in this section, and (2) that meets the criteria
32 established by the Los Angeles County Metropolitan Transportation
33 Authority, taking into consideration, among other things, the cost
34 to provide such services, the amount of such services needed in
35 the county or city, the funds available to provide such services,
36 and the amount of such services provided in other areas of the
37 county as compared to their needs.

38 SEC. 8. Section 99214 of the Public Utilities Code is amended
39 to read:

1 99214. (a) “Transportation planning agency” means the entity
2 designated in Section 29532 of the Government Code.

3 (b) “Transportation planning agency” also includes, for purposes
4 of this chapter, the county transportation commissions created in
5 the Counties of Los Angeles, Orange, Riverside, San Bernardino,
6 and Ventura pursuant to Division 12 (commencing with Section
7 130000).

8 (c) “Transportation planning agency” also includes, for purposes
9 of this chapter, the Imperial County Transportation Commission
10 in Imperial County.

11 SEC. 9. Section 99220 of the Public Utilities Code is amended
12 to read:

13 99220. The Legislature finds and declares as follows:

14 (a) Public transportation is an essential component of the
15 balanced transportation system which must be maintained and
16 developed so as to permit the efficient and orderly movement of
17 people and goods in the urban areas of the state. Because public
18 transportation systems provide an essential public service, it is
19 desirable that such systems be designed and operated in such a
20 manner as to encourage maximum utilization of the efficiencies
21 of the service for the benefit of the total transportation system of
22 the state and all the people of the state, including the elderly, the
23 disabled, the youth, and the citizens of limited means.

24 (b) The fostering, continuance, and development of public
25 transportation systems are a matter of state concern. Excessive
26 reliance on the private automobile for transportation has caused
27 air pollution and traffic congestion in California’s urban areas, and
28 such pollution and congestion are not confined to single
29 incorporated areas but affect entire regions. Furthermore, public
30 transportation systems which are not designed so as to be usable
31 by disabled persons foster increased welfare costs and the waste
32 of human resources. Thus, the Legislature has elected to deal with
33 the multiple problems caused by lack of adequate public
34 transportation on a regional basis through the counties, with
35 coordination of the programs being the responsibility of the state
36 pursuant to contract with county governments.

37 (c) While providing county assistance to a particular
38 transportation system may not be of primary interest and benefit
39 to each and every taxpayer in a county, providing an integrated
40 and coordinated system to meet the public transportation needs of

1 an entire county will benefit the county as a whole. It is the purpose
2 of this chapter to provide for such systems in those counties where
3 they are needed.

4 (d) The local transportation funds authorized by Article 11
5 (commencing with Section 29530) of Chapter 2 of Division 3 of
6 Title 3 of the Government Code are made possible by the
7 imposition of the state's sales and use taxes on motor vehicle fuel,
8 which allows for a reduction in state taxes without a corresponding
9 loss in revenue. By authorizing counties to increase their sales and
10 use taxes, an additional source of revenue has been made available
11 for public transportation within such counties. Applicants for a
12 disbursement from a local transportation fund shall only be eligible
13 for an allocation from the fund of the county in which such
14 transportation is provided.

15 SEC. 10. Section 99233.12 of the Public Utilities Code is
16 amended to read:

17 99233.12. Notwithstanding anything in Sections 99233 to
18 99233.9, inclusive, to the contrary, the Solano Transportation
19 Authority may file a claim, and the transportation planning agency
20 may allocate, for the area representing the cumulative areas of the
21 authority's member agencies, up to 2.7 percent of annual revenues
22 for countywide transit planning and coordination purposes relative
23 to Solano County. Funds allocated to the authority pursuant to this
24 section shall be allocated after allocations are made pursuant to
25 Sections 99233.1 and 99233.2 but prior to other allocations.

26 SEC. 11. Section 99238 of the Public Utilities Code is amended
27 to read:

28 99238. Each transportation planning agency shall provide for
29 the establishment of a social services transportation advisory
30 council for each county, or counties operating under a joint powers
31 agreement, which is not subject to the apportionment restriction
32 established in Section 99232.

33 (a) The social services transportation advisory council shall
34 consist of the following members:

35 (1) One representative of potential transit users who is 60 years
36 of age or older.

37 (2) One representative of potential transit users who is disabled.

38 (3) Two representatives of the local social service providers for
39 seniors, including one representative of a social service
40 transportation provider, if one exists.

1 (4) Two representatives of local social service providers for the
2 disabled, including one representative of a social service
3 transportation provider, if one exists.

4 (5) One representative of a local social service provider for
5 persons of limited means.

6 (6) Two representatives from the local consolidated
7 transportation service agency, designated pursuant to subdivision
8 (a) of Section 15975 of the Government Code, if one exists,
9 including one representative from an operator, if one exists.

10 (7) The transportation planning agency may appoint additional
11 members in accordance with the procedure prescribed in
12 subdivision (b).

13 (b) Members of the social services transportation advisory
14 council shall be appointed by the transportation planning agency
15 which shall recruit candidates for appointment from a broad
16 representation of social service and transit providers representing
17 the elderly, the disabled, and persons of limited means. In
18 appointing council members, the transportation planning agency
19 shall strive to attain geographic and minority representation among
20 council members. Of the initial appointments to the council,
21 one-third of them shall be for a one-year term, one-third shall be
22 for a two-year term, and one-third shall be for a three-year term.
23 Subsequent to the initial appointment, the term of appointment
24 shall be for three years, which may be renewed for an additional
25 three-year term. The transportation planning agency may, at its
26 discretion, delegate its responsibilities for appointment pursuant
27 to this subdivision to the board of supervisors.

28 (c) The social services transportation advisory council shall
29 have the following responsibilities:

30 (1) Annually participate in the identification of transit needs in
31 the jurisdiction, including unmet transit needs that may exist within
32 the jurisdiction of the council and that may be reasonable to meet
33 by establishing or contracting for new public transportation or
34 specialized transportation services or by expanding existing
35 services.

36 (2) Annually review and recommend action by the transportation
37 planning agency for the area within the jurisdiction of the council
38 which finds, by resolution, that (A) there are no unmet transit
39 needs, (B) there are no unmet transit needs that are reasonable to

1 meet, or (C) there are unmet transit needs, including needs that
2 are reasonable to meet.

3 (3) Advise the transportation planning agency on any other
4 major transit issues, including the coordination and consolidation
5 of specialized transportation services.

6 (d) It is the intent of the Legislature that duplicative advisory
7 councils shall not be established where transit advisory councils
8 currently exist and that those existing advisory councils shall,
9 instead, become part of the social services transportation advisory
10 council and shall assume any new responsibilities pursuant to this
11 section.

12 SEC. 12. Section 99238.5 of the Public Utilities Code is
13 amended to read:

14 99238.5. (a) The transportation planning agency shall ensure
15 the establishment and implementation of a citizen participation
16 process appropriate for each county, or counties if operating under
17 a joint powers agreement, utilizing the social services transportation
18 advisory council as a mechanism to solicit the input of transit
19 dependent and transit disadvantaged persons, including the elderly,
20 disabled, and persons of limited means. The process shall include
21 provisions for at least one public hearing in the jurisdiction
22 represented by the social services transportation advisory council.
23 Hearings shall be scheduled to ensure broad community
24 participation and, if possible, the location of the hearings shall be
25 rotated among the various communities within the advisory
26 council's jurisdiction. Notice of the hearing, including the date,
27 place, and specific purpose of the hearing shall be given at least
28 30 days in advance through publication in a newspaper of general
29 circulation. The transportation planning agency shall also send
30 written notification to those persons and organizations which have
31 indicated, through its citizen participation or any other source of
32 information, an interest in the subject of the hearing.

33 (b) In addition to public hearings, the transportation planning
34 agency shall consider other methods of obtaining public feedback
35 on public transportation needs. Those methods may include, but
36 are not limited to, teleconferencing, questionnaires, telecanvassing,
37 and electronic mail.

38 SEC. 13. Section 99260.7 of the Public Utilities Code is
39 amended to read:

1 99260.7. In order to provide, or to contract to provide,
2 transportation services using vehicles for the exclusive use of
3 elderly or disabled persons, a city or a county, which is contributing
4 funds it is eligible to receive under this article to a joint powers
5 agency of which it is a member to operate a public transportation
6 system, may also file a claim under this article and may also file
7 a claim for funds made available pursuant to Section 99313.

8 SEC. 14. Section 99262 of the Public Utilities Code is amended
9 to read:

10 99262. Claims for public transportation systems may include
11 claims for money for all purposes necessary and convenient to the
12 development and operation of the system, including planning and
13 contributions to the transportation planning process, acquisition
14 of real property, construction of facilities and buildings, purchase
15 and replacement of vehicles (including those usable by disabled
16 persons), and system operation, maintenance, and repair, payment
17 for any of which purposes may take the form of direct expenditures
18 or payment of principal and interest on equipment trust certificates,
19 bonded or other indebtedness, or any amounts in accomplishment
20 of a defeasance of any outstanding revenue bond indenture.

21 SEC. 15. Section 99268.5 of the Public Utilities Code is
22 amended to read:

23 99268.5. (a) Commencing with claims for the 1980–81 fiscal
24 year, no funds shall be allocated under this article in any fiscal
25 year to an operator providing services using vehicles for the
26 exclusive use of elderly and disabled persons, unless the operator
27 maintains, for the fiscal year, a ratio of fare revenues to operating
28 cost, as defined by subdivision (a) of Section 99247, for those
29 services at least equal to one-tenth or to the ratio it had for those
30 services during the 1978–79 fiscal year, whichever is greater.

31 (b) Notwithstanding subdivision (a), an operator which provides
32 both exclusive transportation services for elderly and disabled
33 persons and regular scheduled public transportation services may
34 be allocated funds under this article for the exclusive service if the
35 combined services qualify under Section 99268.1, 99268.2,
36 99268.3, or 99268.4, as the case may be, and the ratio of fare
37 revenues to operating cost for the combined service shall not be
38 less than the ratio required in order to make allocations to the
39 operator for its regular scheduled services.

1 (c) In a county which had less than 500,000 population as
2 determined by the 1970 federal decennial census and more than
3 500,000 in population as determined by the 1980 or 1990 federal
4 decennial census, an operator in the county shall maintain a ratio
5 of fare revenues to operating cost, as defined by subdivision (a)
6 of Section 99247, at least equal to one-fifth if serving an urbanized
7 area or one-tenth if serving a nonurbanized area.

8 SEC. 16. Section 99285.2 of the Public Utilities Code is
9 amended to read:

10 99285.2. Notwithstanding subdivision (a) of Section 99285,
11 any county transportation commission created pursuant to Division
12 12 (commencing with Section 130000) may adopt a resolution
13 electing to approve the proposals to be funded and shall approve
14 only those claims submitted for its approval.

15 SEC. 17. Section 99401.5 of the Public Utilities Code is
16 amended to read:

17 99401.5. Prior to making any allocation not directly related to
18 public transportation services, specialized transportation services,
19 or facilities provided for the exclusive use of pedestrians and
20 bicycles, or any allocation for purposes of subdivision (f) of Section
21 99400, the transportation planning agency shall annually do all of
22 the following:

23 (a) Consult with the social services transportation advisory
24 council established pursuant to Section 99238.

25 (b) Identify the transit needs of the jurisdiction which have been
26 considered as part of the transportation planning process, including
27 the following:

28 (1) An annual assessment of the size and location of identifiable
29 groups likely to be transit dependent or transit disadvantaged,
30 including, but not limited to, the elderly, the disabled, including
31 individuals eligible for paratransit and other special transportation
32 services pursuant to Section 12143 of Title 42 of the United States
33 Code, the federal Americans with Disabilities Act of 1990 (42
34 U.S.C. Sec. 12101 et seq.), and persons of limited means, including,
35 but not limited to, recipients under the CalWORKs program.

36 (2) An analysis of the adequacy of existing public transportation
37 services and specialized transportation services, including privately
38 and publicly provided services necessary to implement the plan
39 prepared pursuant to Section 12143(c)(7) of Title 42 of the United

1 States Code, in meeting the transit demand identified pursuant to
2 paragraph (1).

3 (3) An analysis of the potential alternative public transportation
4 and specialized transportation services and service improvements
5 that would meet all or part of the transit demand.

6 (4) An analysis of the need to acquire or lease vans and related
7 equipment for a farmworker vanpool program pursuant to
8 subdivision (f) of Section 99400. This analysis is only required,
9 however, upon receipt by the transportation planning agency of a
10 request of an interested party identifying a potential need.

11 (c) Identify the unmet transit needs of the jurisdiction and those
12 needs that are reasonable to meet. The transportation planning
13 agency shall hold at least one public hearing pursuant to Section
14 99238.5 for the purpose of soliciting comments on the unmet transit
15 needs that may exist within the jurisdiction and that might be
16 reasonable to meet by establishing or contracting for new public
17 transportation or specialized transportation services or by
18 expanding existing services. The definition adopted by the
19 transportation planning agency for the terms “unmet transit needs”
20 and “reasonable to meet” shall be documented by resolution or in
21 the minutes of the agency. The fact that an identified transit need
22 cannot be fully met based on available resources shall not be the
23 sole reason for finding that a transit need is not reasonable to meet.
24 An agency’s determination of needs that are reasonable to meet
25 shall not be made by comparing unmet transit needs with the need
26 for streets and roads.

27 (d) Adopt by resolution a finding for the jurisdiction, after
28 consideration of all available information compiled pursuant to
29 subdivisions (a), (b), and (c). The finding shall be that (1) there
30 are no unmet transit needs, (2) there are no unmet transit needs
31 that are reasonable to meet, or (3) there are unmet transit needs,
32 including needs that are reasonable to meet. The resolution shall
33 include information developed pursuant to subdivisions (a), (b),
34 and (c) which provides the basis for the finding.

35 (e) If the transportation planning agency adopts a finding that
36 there are unmet transit needs, including needs that are reasonable
37 to meet, then the unmet transit needs shall be funded before any
38 allocation is made for streets and roads within the jurisdiction.

39 (f) The transportation planning agency shall not allocate funds
40 for purposes of subdivision (f) of Section 99400 until all of the

1 capital and operating funds necessary to meet unmet transit needs
2 that are reasonable to meet are allocated. The transportation
3 planning agency shall not reduce funding to existing public
4 transportation services, specialized transportation services, or
5 facilities for the exclusive use of pedestrians and bicycles in order
6 to allocate funds for purposes of subdivision (f) of Section 99400.
7 The transportation planning agency shall not allocate funds under
8 subdivision (f) of Section 99400 if the allocation replaces other
9 federal, state, or local funds used to fund commuter vanpools by
10 a county, city, transportation planning agency, or transit district.

11 SEC. 18. Section 6480.1 of the Revenue and Taxation Code
12 is amended to read:

13 6480.1. (a) At any time that motor vehicle fuel tax or diesel
14 fuel tax is imposed or would be imposed, but for the dyed diesel
15 fuel exemption in paragraph (1) of subdivision (a) of Section
16 60100, or the train operator exemption in paragraph (7) of
17 subdivision (a) of Section 60100 or paragraph (11) of subdivision
18 (a) of Section 7401, or, pursuant to subdivision (f) of Section 6480,
19 would be deemed to be imposed, on any removal, entry, or sale in
20 this state of motor vehicle fuel, aircraft jet fuel, or diesel fuel, the
21 supplier shall collect prepayment of retail sales tax from the person
22 to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is
23 sold. However, if no sale occurs at the time of imposition of motor
24 vehicle fuel tax or diesel fuel tax, the supplier shall prepay the
25 retail sales tax on that motor vehicle fuel, aircraft jet fuel, or diesel
26 fuel. The prepayment required to be collected by the supplier
27 constitutes a debt owed by the supplier to this state until paid to
28 the board, until satisfactory proof has been submitted to prove that
29 the retailer of the fuel has paid the retail sales tax to the board, or
30 until a supplier or wholesaler who has consumed the fuel has paid
31 the use tax to the board. Each supplier shall report and pay the
32 prepayment amounts to the board, in a form as prescribed by the
33 board, in the period in which the fuel is sold. On each subsequent
34 sale of that fuel, each seller, other than the retailer, shall collect
35 from his or her purchaser a prepayment computed using the rate
36 applicable at the time of sale. Each supplier shall provide his or
37 her purchaser with an invoice for, or other evidence of, the
38 collection of the prepayment amounts which shall be separately
39 stated thereon.

(b) (1) A wholesaler shall collect prepayment of the retail sales tax from the person to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is sold. Each wholesaler shall provide his or her purchaser with an invoice for or other evidence of the collection of the prepayment amounts, which shall be separately stated thereon.

(2) Each wholesaler shall report to the board, in a form as prescribed by the board and for the period in which the motor vehicle fuel, aircraft jet fuel, or diesel fuel was sold, all of the following:

(A) The number of gallons of fuel sold and the amount of sales tax prepayments collected by the wholesaler.

(B) The number of tax-paid gallons purchased and the amount of sales tax prepayments made by the wholesaler.

(C) In the event that the amount of sales tax prepayments collected by the wholesaler is greater than the amount of sales tax prepayments made by the wholesaler, then the excess constitutes a debt owed by the wholesaler to the state until paid to the board, or until satisfactory proof has been submitted that the retailer of the fuel has paid the tax to the board.

(c) A supplier or wholesaler who pays the prepayment and issues a resale certificate to the seller, but subsequently consumes the motor vehicle fuel, aircraft jet fuel, or diesel fuel, shall be entitled to a credit against his or her sales and use taxes due and payable for the period in which the prepayment was made, provided that he or she reports and pays the use tax to the board on the consumption of that fuel.

(d) The amount of a prepayment paid by the retailer or a supplier or wholesaler who has consumed the motor vehicle fuel, aircraft jet fuel, or diesel fuel to the seller from whom he or she acquired the fuel shall constitute a credit against his or her sales and use taxes due and payable for the period in which the sale was made. Failure of the supplier or wholesaler to report prepayments or the supplier's or wholesaler's failure to comply with any other duty under this article shall not constitute grounds for denial of the credit to the retailer, supplier, or wholesaler, either on a temporary or permanent basis or otherwise. To be entitled to the credit, the retailer, supplier, or wholesaler shall retain for inspection by the board any receipts, invoices, or other documents showing the

1 amount of sales tax prepaid to his or her supplier, together with
2 the evidence of payment.

3 (e) The rate of the prepayment required to be collected during
4 the period from July 1, 1986, through March 31, 1987, shall be
5 four cents (\$0.04) per gallon of motor vehicle fuel distributed or
6 transferred.

7 (f) The rate of prepayment required to be collected for motor
8 vehicle fuel, aircraft jet fuel, and diesel fuel as established by the
9 board in effect on January 1, 2013, shall remain in effect through
10 June 30, 2013.

11 (g) On July 1 of each succeeding year, the prepayment rate per
12 gallon for motor vehicle fuel, rounded to the nearest one-half of
13 one cent (\$0.005), of the required prepayment shall be established
14 by the board based upon 80 percent of the combined state and local
15 sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5,
16 7202, and 7203.1, and Section 35 of Article XIII of the California
17 Constitution on the arithmetic average selling price (excluding
18 sales tax) as reported by an industry publication of all grades of
19 gasoline sold through a self-service gasoline station. The board
20 shall make its determination of the rate no later than March 1 of
21 the same year as the effective date of the new rate. Immediately
22 upon making its determination and setting of the rate, the board
23 shall each year, no later than May 1, notify every supplier,
24 wholesaler, and retailer of motor vehicle fuel. In the event the price
25 of fuel decreases or increases or an exemption from sales tax for
26 sales of fuel is enacted, and the established rate results in or could
27 result in prepayments which consistently exceed or are significantly
28 lower than the retailers' sales tax liability, the board may readjust
29 the rate.

30 (h) On July 1 of each succeeding year, the prepayment rate per
31 gallon for aircraft jet fuel, rounded to the nearest one-half of one
32 cent (\$0.005), shall be established by the board based upon 80
33 percent of the combined state and local sales tax rate established
34 by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and
35 Section 35 of Article XIII of the California Constitution on the
36 arithmetic average selling price (excluding sales and state excise
37 tax) as determined by the board. The board shall make its
38 determination of the rate no later than March 1 of the year prior
39 to the effective date of the new rate. The rate of the prepayment
40 required to be collected for aircraft jet fuel shall be equal to 80

1 percent of the arithmetic average selling price of aircraft jet fuel
2 as specified by industry publications. Immediately upon making
3 its determination and setting of the rate, the board shall each year,
4 no later than May 1, notify every supplier, wholesaler, and retailer
5 of aircraft jet fuel. In the event the price of aircraft jet fuel
6 decreases or increases, and the established rate results in
7 prepayments that consistently exceed or are significantly lower
8 than the retailers' sales tax liability, the board may readjust the
9 rate.

10 (i) On July 1 of each succeeding year, the prepayment rate per
11 gallon for diesel fuel, rounded to the nearest one-half of one cent
12 (\$.005), shall be established by the board based upon 80 percent
13 of the combined state and local sales tax rate established by
14 Sections 6051, 6051.2, 6051.3, 6051.5, 6051.8, 7202, and 7203.1,
15 and Section 35 of Article XIII of the California Constitution on
16 the arithmetic average selling price (excluding sales and state
17 excise tax) as determined by the board. The board shall make its
18 determination of the rate no later than March 1 of the same year
19 as the effective date of the new rate. The rate of the prepayment
20 required to be collected for diesel fuel shall be equal to 80 percent
21 of the arithmetic average selling price of diesel fuel as specified
22 by industry publications. Immediately upon making its
23 determination and setting of the rate, the board shall each year, no
24 later than May 1, notify every supplier, wholesaler, and retailer of
25 diesel fuel. In the event the rate of sales tax imposed on sales of
26 diesel fuel increases or decreases or the price of diesel fuel
27 decreases or increases, and the established rate results in or could
28 result in prepayments that consistently exceed or are significantly
29 lower than the retailers' sales tax liability, the board may readjust
30 the rate.

31 (j) (1) Notwithstanding any other provision of this section,
32 motor vehicle fuel sold by a supplier or wholesaler to a qualified
33 purchaser who, pursuant to a contract with the State of California
34 or its instrumentalities, resells that fuel to the State of California
35 or its instrumentalities shall be exempt from the prepayment
36 requirements.

37 (2) A qualified purchaser who acquires motor vehicle fuel for
38 subsequent resale to the State of California or its instrumentalities
39 pursuant to this subdivision shall furnish to the supplier or
40 wholesaler from whom the fuel is acquired an exemption

1 certificate, completed in accordance with any instructions or
2 regulations as the board may prescribe. The supplier or wholesaler
3 shall retain the certificate in his or her records in support of the
4 exemption. To qualify for the prepayment exemption, both of the
5 following conditions shall apply:

6 (A) The qualified purchaser does not take possession of the fuel
7 at any time.

8 (B) The fuel is delivered into storage tanks owned or leased by
9 the State of California or its instrumentalities via facilities of the
10 supplier or wholesaler, or by common or contract carriers under
11 contract with the supplier or wholesaler.

12 (3) For purposes of this subdivision, “qualified purchaser” means
13 a wholesaler who does not have or maintain a storage facility or
14 facilities for the purpose of selling motor vehicle fuel.

15 SEC. 19. Section 60116 of the Revenue and Taxation Code is
16 amended to read:

17 60116. (a) Commencing on January 1, 1998, and on each
18 January 1 up to and including January 1, 2013, the board shall
19 establish a tax rate per gallon, rounded to the nearest tenth of a
20 cent, by multiplying the average retail price per gallon (including
21 the federal excise tax and excluding the state excise tax and the
22 sales and use tax) of diesel fuel sold in this state by a percentage
23 equal to the combined state and local sales tax rate established by
24 Part 1 (commencing with Section 6001) and Part 1.5 (commencing
25 with Section 7200) of Division 2 of the Revenue and Taxation
26 Code and Section 35 of Article XIII of the California Constitution.
27 The average retail price per gallon shall be the average of weekly
28 retail prices for the 12-month period ending August 31 of the year
29 prior to the effective date of the new rate. In determining the
30 average retail price per gallon, the board shall use the weekly
31 average retail price published by the State Energy Resources
32 Conservation and Development Commission, in its publication
33 “Fuel Price And Supply Update.” In the event the “Fuel Price And
34 Supply Update” is delayed or discontinued, the board may base
35 its determination on other sources of the average retail price of
36 diesel fuel. The board shall make its determination of the rate no
37 later than October 1 of the year prior to the effective date of the
38 new rate.

39 (b) The tax rate established by the board on January 1, 2013,
40 shall remain in effect only through June 30, 2013.

(c) Commencing on July 1, 2013, and on each July 1 thereafter, the board shall establish a tax rate per gallon, rounded to the nearest one-tenth of one cent (\$0.001), by multiplying the average retail price per gallon (including the federal excise tax and excluding the state excise tax and the sales and use tax) of diesel fuel sold in this state by a percentage equal to the combined state and local sales tax rate established by Part 1 (commencing with Section 6001) and Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code and Section 35 of Article XIII of the California Constitution. The average retail price per gallon shall be the average of weekly retail prices for the 12-month period ending on the last day of January prior to the effective date of the new rate. In determining the average retail price per gallon, the board shall use the weekly average retail price as reported by the United States Energy Information Administration (EIA). In the event the EIA information is delayed or discontinued, the board may base its determination on other sources of the average retail price of diesel fuel. The board shall make its determination of the rate no later than March 1 of the same year as the effective date of the new rate.

SEC. 20. Section 349 of the Streets and Highways Code is amended to read:

349. (a) Route 49 is from:

(1) Route 41 near Oakhurst to Route 140 at Mariposa.

(2) Route 140 at Mariposa to Route 120 near Moccasin.

(3) Route 120 near Chinese Camp to Route 80 near Auburn via the vicinity of Sonora; via Angels Camp, San Andreas, and Jackson; and via the vicinity of El Dorado, Diamond Springs, and Placerville.

(4) Route 80 near Auburn to Route 20 in Grass Valley.

(5) Route 20 at Nevada City to Route 89 near Sattley via Downieville.

(6) Route 89 near Sierraville to Route 70 near Vinton via Loyalton.

(b) The relinquished former portion of Route 49 within the City of Auburn is not a state highway and is not eligible for adoption under Section 81. For the relinquished former portion of Route 49, the City of Auburn shall maintain within its jurisdiction signs directing motorists to the continuation of Route 49. The city may apply to the department for approval of a business route designation

1 in accordance with Chapter 20, Topic 21, of the Highway Design
2 Manual.

3 SEC. 21. Section 366 of the Streets and Highways Code is
4 amended to read:

5 366. (a) Route 66 is from:

6 (1) Route 210 near San Dimas to the Los Angeles-San
7 Bernardino county line at the western city limit of the City of
8 Upland.

9 (2) The eastern city limit of the City of Fontana near Maple
10 Avenue to Route 215 in San Bernardino.

11 (b) The relinquished former portions of Route 66 within the city
12 limits of the Cities of Fontana, Rancho Cucamonga, and Upland
13 are not state highways and are not eligible for adoption under
14 Section 81. For the portions of Route 66 relinquished under this
15 section, the Cities of Fontana, Rancho Cucamonga, and Upland
16 shall maintain within their respective jurisdictions signs directing
17 motorists to the continuation of Route 66 and ensure the continuity
18 of traffic flow on the relinquished portions of Route 66, including
19 any traffic signal progression.

20 (c) (1) Notwithstanding subdivision (a), the commission may
21 relinquish to the City of Claremont the portion of Route 66 that is
22 located within the city limits or the sphere of influence of the city,
23 upon terms and conditions the commission finds to be in the best
24 interests of the state.

25 (2) A relinquishment under this subdivision shall become
26 effective immediately following the recordation by the county
27 recorder of the relinquishment resolution containing the
28 commission's approval of the terms and conditions of the
29 relinquishment.

30 (3) On and after the effective date of the relinquishment, both
31 of the following shall occur:

32 (A) The portion of Route 66 relinquished under this subdivision
33 shall cease to be a state highway.

34 (B) The portion of Route 66 relinquished under this subdivision
35 may not be considered for future adoption under Section 81.

36 (4) The City of Claremont shall ensure the continuity of traffic
37 flow on the relinquished portion of Route 66, including any traffic
38 signal progression.

1 (5) For the relinquished portion of Route 66, the City of
2 Claremont shall maintain signs directing motorists to the
3 continuation of Route 66.

4 SEC. 22. Section 374 of the Streets and Highways Code is
5 amended to read:

6 374. (a) Route 74 is from:

7 (1) Route 5 near San Juan Capistrano to Route 15 near Lake
8 Elsinore.

9 (2) Route 15 near Lake Elsinore to Route 215 near Perris.

10 (3) Route 215 near Perris to the southern city limit of Palm
11 Desert.

12 (4) Highway 111 in Palm Desert to Route 10 near Thousand
13 Palms.

14 (b) The relinquished former portion of Route 74 within the City
15 of Palm Desert is not a state highway and is not eligible for
16 adoption under Section 81. For the relinquished former portion of
17 Route 74, the City of Palm Desert shall maintain within its
18 jurisdiction signs directing motorists to the continuation of Route
19 74.

20 (c) (1) The commission may relinquish to the City of Lake
21 Elsinore the portion of Route 74 located within the city limits of
22 that city, upon terms and conditions the commission finds to be
23 in the best interests of the state.

24 (2) Any relinquishment agreement shall require that the City of
25 Lake Elsinore administer the operation and maintenance of the
26 highway in a manner consistent with professional traffic
27 engineering standards.

28 (3) Any relinquishment agreement shall require the City of Lake
29 Elsinore to ensure that appropriate traffic studies or analyses will
30 be performed to substantiate any decisions affecting the highway.

31 (4) Any relinquishment agreement shall also require the City
32 of Lake Elsinore to provide for public notice and the consideration
33 of public input on the proximate effects of any proposed decision
34 on traffic flow, residences, or businesses, other than a decision on
35 routine maintenance.

36 (5) Notwithstanding any of its other terms, any relinquishment
37 agreement shall require the City of Lake Elsinore to indemnify
38 and hold the department harmless from any liability for any claims
39 made or damages suffered by any person, including a public entity,
40 as a result of any decision made or action taken by the City of Lake

1 Elsinore, its officers, employees, contractors, or agents, with
2 respect to the design, maintenance, construction, or operation of
3 that portion of Route 74 that is to be relinquished to the city.

4 (6) A relinquishment under this subdivision shall become
5 effective immediately after the county recorder records the
6 relinquishment resolution that contains the commission's approval
7 of the terms and conditions of the relinquishment.

8 (7) On and after the effective date of the relinquishment, both
9 of the following shall occur:

10 (A) The portion of Route 74 relinquished shall cease to be a
11 state highway.

12 (B) The portion of Route 74 relinquished may not be considered
13 for future adoption under Section 81.

14 (8) The City of Lake Elsinore shall ensure the continuity of
15 traffic flow on the relinquished portion of Route 74, including any
16 traffic signal progression.

17 (9) For relinquished portions of Route 74, the City of Lake
18 Elsinore shall maintain signs directing motorists to the continuation
19 of Route 74.

20 SEC. 23. Section 392 of the Streets and Highways Code is
21 amended to read:

22 392. (a) Route 92 is from:

23 (1) Route 1 near Half Moon Bay to Route 280.

24 (2) Route 280 to Route 580 near Castro Valley and Hayward.

25 (b) The relinquished former portion of Route 92 within the City
26 of Hayward is not a state highway and is not eligible for adoption
27 under Section 81. For the relinquished former portion of Route
28 92, the City of Hayward shall maintain within its jurisdiction signs
29 directing motorists to the continuation of Route 92 or to the state
30 highway system, as applicable.

31 SEC. 24. Section 410 of the Streets and Highways Code, as
32 amended by Section 30 of Chapter 525 of the Statutes of 2003, is
33 amended to read:

34 410. (a) Route 110 is from Route 47 in San Pedro to Glenarm
35 Street in Pasadena.

36 (b) The relinquished former portions of Route 110 that are
37 located between 9th Street and Gaffey Street in the City of Los
38 Angeles and Glenarm Street and Colorado Boulevard in Pasadena
39 are not state highways and are not eligible for adoption under
40 Section 81. For the relinquished former portions of Route 110, the

1 Cities of Los Angeles and Pasadena shall maintain within their
2 respective jurisdictions signs directing motorists to the continuation
3 of Route 110.

4 SEC. 25. Section 410 of the Streets and Highways Code, as
5 added by Section 1 of Chapter 669 of the Statutes of 2008, is
6 repealed.

7 SEC. 26. Section 411 of the Streets and Highways Code is
8 amended to read:

9 411. (a) Route 111 is from:

10 (1) The international border south of Calexico to Route 78 near
11 Brawley, passing east of Heber.

12 (2) Route 78 near Brawley to Route 86 via the north shore of
13 the Salton Sea.

14 (3) The western city limits of Cathedral City to Route 10 near
15 Whitewater.

16 (b) The relinquished former portions of Route 111 within the
17 Cities of Cathedral City, Indian Wells, Indio, La Quinta, Palm
18 Desert, and Rancho Mirage are not state highways and are not
19 eligible for adoption under Section 81. For the relinquished former
20 portions of Route 111, the Cities of Cathedral City, Indian Wells,
21 Indio, La Quinta, and Palm Desert, as applicable, shall maintain
22 within their respective jurisdictions signs directing motorists to
23 the continuation of Route 111.

24 SEC. 27. Section 446 of the Streets and Highways Code is
25 amended to read:

26 446. (a) Route 146 is from:

27 (1) Route 101 near Soledad to Pinnacles National Monument.

28 (2) Pinnacles National Monument to Route 25 in Bear Valley.

29 (b) The relinquished former portion of Route 146 within the
30 City of Soledad is not a state highway and is not eligible for
31 adoption under Section 81. For the relinquished former portion of
32 Route 146, the City of Soledad shall maintain within its jurisdiction
33 signs directing motorists to the continuation of Route 146 until
34 the entire route has been relinquished.

35 (1) Notwithstanding subdivision (a), the commission may
36 relinquish to the County of Monterey the portion of Route 146
37 within the limits of that county, upon terms and conditions the
38 commission finds to be in the best interests of the state.

39 (2) Notwithstanding subdivision (a), the commission may
40 relinquish to the County of San Benito the portion of Route 146

1 within the limits of that county, upon terms and conditions the
2 commission finds to be in the best interests of the state.

3 (3) A relinquishment under this subdivision shall become
4 effective immediately after the county recorder records the
5 relinquishment resolution that contains the commission's approval
6 of the terms and conditions of the relinquishment.

7 (4) On and after the effective date of the relinquishment, that
8 portion of Route 146 relinquished shall cease to be a state highway
9 and may not be considered for future adoption under Section 81.

10 (5) For portions of Route 146 relinquished under this
11 subdivision, the Counties of Monterey and San Benito shall
12 maintain within their jurisdiction signs directing motorists to the
13 continuation of Route 146 until the entire route has been
14 relinquished.

15 *SEC. 28. Section 452 of the Streets and Highways Code is*
16 *amended to read:*

17 452. Route 152 is from:

18 (a) Route 1 near Watsonville via Hecker Pass to Route 101 in
19 Gilroy.

20 (b) Route 101 near Gilroy to Route 65 near Sharon via Pacheco
21 Pass.

22 (c) *The commission may relinquish to the City of Watsonville*
23 *the portion of Route 152, beginning at Route 1 and ending at*
24 *Beverly Drive or some segment thereof, within the city limits of*
25 *the City of Watsonville, upon terms and conditions the commission*
26 *finds to be in the best interests of the state.*

27 (d) *A relinquishment under this section shall become effective*
28 *immediately following the county recorder's recordation of the*
29 *relinquishment resolution containing the commission's approval*
30 *of the terms and conditions of the relinquishment.*

31 (e) *On and after the effective date of the relinquishment, both*
32 *of the following shall occur:*

33 (1) *The portion of Route 152 relinquished under this section*
34 *shall cease to be a state highway.*

35 (2) *The portion of Route 152 relinquished under this section*
36 *shall be ineligible for future adoption under Section 81.*

37 (f) *The City of Watsonville shall ensure the continuity of traffic*
38 *flow on the relinquished portions of Route 152, including, but not*
39 *limited to, any traffic signal progression.*

1 (g) *For those portions of Route 152 that are relinquished, the*
2 *City of Watsonville shall maintain within its jurisdiction signs*
3 *directing motorists to the continuation of Route 152.*

4 ~~SEC. 28.~~

5 SEC. 29. Section 478 of the Streets and Highways Code is
6 amended to read:

7 478. (a) Route 178 is from:

8 (1) Bakersfield to Route 14 near Freeman via Walker Pass.

9 (2) Route 14 near Freeman to Route 127.

10 (3) Route 127 to the Nevada state line in Pahrump Valley.

11 (b) The relinquished former portion of Route 178 within the
12 City of Bakersfield is not a state highway and is not eligible for
13 adoption under Section 81. For the relinquished former portion of
14 Route 178, the City of Bakersfield shall install and maintain within
15 its jurisdiction signs directing motorists to the continuation of
16 Route 178.

17 ~~SEC. 29.~~

18 SEC. 30. Section 485 of the Streets and Highways Code is
19 amended to read:

20 485. (a) Route 185 is from Route 92 in Hayward to Route 77
21 in Oakland.

22 (b) The relinquished former portion of Route 185 within the
23 City of Hayward is not a state highway and is not eligible for
24 adoption under Section 81. For the relinquished former portion of
25 Route 185, the City of Hayward shall maintain within its
26 jurisdiction signs directing motorists to the continuation of Route
27 185 or to the state highway system, as applicable.

28 ~~SEC. 30.~~

29 SEC. 31. Section 493 of the Streets and Highways Code is
30 amended to read:

31 493. (a) Route 193 is from:

32 (1) Route 65 near Lincoln to Route 80 near Newcastle.

33 (2) Route 49 near Cool to Route 49 near Placerville via
34 Georgetown.

35 (b) The relinquished former portion of Route 193 within the
36 City of Lincoln is not a state highway and is not eligible for
37 adoption under Section 81. For the relinquished former portion of
38 Route 193, the City of Lincoln shall install and maintain within
39 its jurisdiction signs directing motorists to the continuation of
40 Route 193 to the east and to Routes 65 and 80 to the west. The

1 city may apply to the department for approval of a business route
2 designation in accordance with Chapter 20, Topic 21, of the
3 Highway Design Manual.

4 ~~SEC. 31.~~

5 *SEC. 32.* Section 527 of the Streets and Highways Code is
6 amended to read:

7 527. (a) Route 227 is from Route 1 south of Oceano to Route
8 101 in San Luis Obispo.

9 (b) The relinquished former portions of Route 227 within the
10 Cities of Arroyo Grande and San Luis Obispo are not state
11 highways and are not eligible for adoption under Section 81. For
12 the relinquished former portion of Route 227, the City of San Luis
13 Obispo shall maintain within its jurisdiction signs directing
14 motorists to the continuation of Route 227.

15 ~~SEC. 32.~~

16 *SEC. 33.* Section 538 of the Streets and Highways Code is
17 amended to read:

18 538. (a) Route 238 is from Route 680 in Fremont to Route 61
19 near San Lorenzo via Hayward.

20 (b) The relinquished former portion of Route 238 within the
21 City of Hayward is not a state highway and is not eligible for
22 adoption under Section 81. For the relinquished former portion of
23 Route 238, the City of Hayward shall maintain within its
24 jurisdiction signs directing motorists to the continuation of Route
25 238 or to the state highway system, as applicable.

26 *SEC. 34. Section 22651 of the Vehicle Code is amended to*
27 *read:*

28 22651. A peace officer, as defined in Chapter 4.5 (commencing
29 with Section 830) of Title 3 of Part 2 of the Penal Code, or a
30 regularly employed and salaried employee, who is engaged in
31 directing traffic or enforcing parking laws and regulations, of a
32 city, county, or jurisdiction of a state agency in which a vehicle is
33 located, may remove a vehicle located within the territorial limits
34 in which the officer or employee may act, under the following
35 circumstances:

36 (a) When a vehicle is left unattended upon a bridge, viaduct, or
37 causeway or in a tube or tunnel where the vehicle constitutes an
38 obstruction to traffic.

39 (b) When a vehicle is parked or left standing upon a highway
40 in a position so as to obstruct the normal movement of traffic or

1 in a condition so as to create a hazard to other traffic upon the
2 highway.

3 (c) When a vehicle is found upon a highway or public land and
4 a report has previously been made that the vehicle is stolen or a
5 complaint has been filed and a warrant thereon is issued charging
6 that the vehicle was embezzled.

7 (d) When a vehicle is illegally parked so as to block the entrance
8 to a private driveway and it is impractical to move the vehicle from
9 in front of the driveway to another point on the highway.

10 (e) When a vehicle is illegally parked so as to prevent access
11 by firefighting equipment to a fire hydrant and it is impracticable
12 to move the vehicle from in front of the fire hydrant to another
13 point on the highway.

14 (f) When a vehicle, except highway maintenance or construction
15 equipment, is stopped, parked, or left standing for more than four
16 hours upon the right-of-way of a freeway that has full control of
17 access and no crossings at grade and the driver, if present, cannot
18 move the vehicle under its own power.

19 (g) When the person in charge of a vehicle upon a highway or
20 public land is, by reason of physical injuries or illness,
21 incapacitated to an extent so as to be unable to provide for its
22 custody or removal.

23 (h) (1) When an officer arrests a person driving or in control
24 of a vehicle for an alleged offense and the officer is, by this code
25 or other law, required or permitted to take, and does take, the
26 person into custody.

27 (2) When an officer serves a notice of an order of suspension
28 or revocation pursuant to Section 13388 or 13389.

29 (i) (1) When a vehicle, other than a rented vehicle, is found
30 upon a highway or public land, or is removed pursuant to this code,
31 and it is known that the vehicle has been issued five or more notices
32 of parking violations to which the owner or person in control of
33 the vehicle has not responded within 21 calendar days of notice
34 of citation issuance or citation issuance or 14 calendar days of the
35 mailing of a notice of delinquent parking violation to the agency
36 responsible for processing notices of parking violations, or the
37 registered owner of the vehicle is known to have been issued five
38 or more notices for failure to pay or failure to appear in court for
39 traffic violations for which a certificate has not been issued by the
40 magistrate or clerk of the court hearing the case showing that the

1 case has been adjudicated or concerning which the registered
2 owner's record has not been cleared pursuant to Chapter 6
3 (commencing with Section 41500) of Division 17, the vehicle may
4 be impounded until that person furnishes to the impounding law
5 enforcement agency all of the following:

6 (A) Evidence of his or her identity.

7 (B) An address within this state at which he or she can be
8 located.

9 (C) Satisfactory evidence that all parking penalties due for the
10 vehicle and all other vehicles registered to the registered owner of
11 the impounded vehicle, and all traffic violations of the registered
12 owner, have been cleared.

13 (2) The requirements in subparagraph (C) of paragraph (1) shall
14 be fully enforced by the impounding law enforcement agency on
15 and after the time that the Department of Motor Vehicles is able
16 to provide access to the necessary records.

17 (3) A notice of parking violation issued for an unlawfully parked
18 vehicle shall be accompanied by a warning that repeated violations
19 may result in the impounding of the vehicle. In lieu of furnishing
20 satisfactory evidence that the full amount of parking penalties or
21 bail has been deposited, that person may demand to be taken
22 without unnecessary delay before a magistrate, for traffic offenses,
23 or a hearing examiner, for parking offenses, within the county in
24 which the offenses charged are alleged to have been committed
25 and who has jurisdiction of the offenses and is nearest or most
26 accessible with reference to the place where the vehicle is
27 impounded. Evidence of current registration shall be produced
28 after a vehicle has been impounded, or, at the discretion of the
29 impounding law enforcement agency, a notice to appear for
30 violation of subdivision (a) of Section 4000 shall be issued to that
31 person.

32 (4) A vehicle shall be released to the legal owner, as defined in
33 Section 370, if the legal owner does all of the following:

34 (A) Pays the cost of towing and storing the vehicle.

35 (B) Submits evidence of payment of fees as provided in Section
36 9561.

37 (C) Completes an affidavit in a form acceptable to the
38 impounding law enforcement agency stating that the vehicle was
39 not in possession of the legal owner at the time of occurrence of
40 the offenses relating to standing or parking. A vehicle released to

1 a legal owner under this subdivision is a repossessed vehicle for
2 purposes of disposition or sale. The impounding agency shall have
3 a lien on any surplus that remains upon sale of the vehicle to which
4 the registered owner is or may be entitled, as security for the full
5 amount of the parking penalties for all notices of parking violations
6 issued for the vehicle and for all local administrative charges
7 imposed pursuant to Section 22850.5. The legal owner shall
8 promptly remit to, and deposit with, the agency responsible for
9 processing notices of parking violations from that surplus, on
10 receipt of that surplus, the full amount of the parking penalties for
11 all notices of parking violations issued for the vehicle and for all
12 local administrative charges imposed pursuant to Section 22850.5.

13 (5) The impounding agency that has a lien on the surplus that
14 remains upon the sale of a vehicle to which a registered owner is
15 entitled pursuant to paragraph (4) has a deficiency claim against
16 the registered owner for the full amount of the parking penalties
17 for all notices of parking violations issued for the vehicle and for
18 all local administrative charges imposed pursuant to Section
19 22850.5, less the amount received from the sale of the vehicle.

20 (j) When a vehicle is found illegally parked and there are no
21 license plates or other evidence of registration displayed, the
22 vehicle may be impounded until the owner or person in control of
23 the vehicle furnishes the impounding law enforcement agency
24 evidence of his or her identity and an address within this state at
25 which he or she can be located.

26 (k) When a vehicle is parked or left standing upon a highway
27 for 72 or more consecutive hours in violation of a local ordinance
28 authorizing removal.

29 (l) When a vehicle is illegally parked on a highway in violation
30 of a local ordinance forbidding standing or parking and the use of
31 a highway, or a portion thereof, is necessary for the cleaning,
32 repair, or construction of the highway, or for the installation of
33 underground utilities, and signs giving notice that the vehicle may
34 be removed are erected or placed at least 24 hours prior to the
35 removal by a local authority pursuant to the ordinance.

36 (m) When the use of the highway, or a portion of the highway,
37 is authorized by a local authority for a purpose other than the
38 normal flow of traffic or for the movement of equipment, articles,
39 or structures of unusual size, and the parking of a vehicle would
40 prohibit or interfere with that use or movement, and signs giving

1 notice that the vehicle may be removed are erected or placed at
2 least 24 hours prior to the removal by a local authority pursuant
3 to the ordinance.

4 (n) Whenever a vehicle is parked or left standing where local
5 authorities, by resolution or ordinance, have prohibited parking
6 and have authorized the removal of vehicles. Except as provided
7 in subdivisions (v) and (w), a vehicle shall not be removed unless
8 signs are posted giving notice of the removal.

9 (o) (1) When a vehicle is found or operated upon a highway,
10 public land, or an offstreet parking facility under the following
11 circumstances:

12 (A) With a registration expiration date in excess of six months
13 before the date it is found or operated on the highway, public lands,
14 or the offstreet parking facility.

15 (B) Displaying in, or upon, the vehicle, a registration card,
16 identification card, temporary receipt, license plate, special plate,
17 registration sticker, device issued pursuant to Section 4853, or
18 permit that was not issued for that vehicle, or is not otherwise
19 lawfully used on that vehicle under this code.

20 (C) Displaying in, or upon, the vehicle, an altered, forged,
21 counterfeit, or falsified registration card, identification card,
22 temporary receipt, license plate, special plate, registration sticker,
23 device issued pursuant to Section 4853, or permit.

24 (2) When a vehicle described in paragraph (1) is occupied, only
25 a peace officer, as defined in Chapter 4.5 (commencing with
26 Section 830) of Title 3 of Part 2 of the Penal Code, may remove
27 the vehicle.

28 (3) For the purposes of this subdivision, the vehicle shall be
29 released under either of the following circumstances:

30 (A) To the registered owner or person in control of the vehicle
31 only after the owner or person furnishes the storing law
32 enforcement agency with proof of current registration and a
33 currently valid driver's license to operate the vehicle.

34 (B) To the legal owner or the legal owner's agency, without
35 payment of any fees, fines, or penalties for parking tickets or
36 registration and without proof of current registration, if the vehicle
37 will only be transported pursuant to the exemption specified in
38 Section 4022 and if the legal owner does all of the following:

39 (i) Pays the cost of towing and storing the vehicle.

(ii) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of an offense relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency has a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of parking penalties for any notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5. Upon receipt of any surplus, the legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5.

(4) The impounding agency that has a lien on the surplus that remains upon the sale of a vehicle to which a registered owner is entitled has a deficiency claim against the registered owner for the full amount of parking penalties for any notices of parking violations issued for the vehicle and for all local administrative charges imposed pursuant to Section 22850.5, less the amount received from the sale of the vehicle.

(5) As used in this subdivision, “offstreet parking facility” means an offstreet facility held open for use by the public for parking vehicles and includes a publicly owned facility for offstreet parking, and a privately owned facility for offstreet parking if a fee is not charged for the privilege to park and it is held open for the common public use of retail customers.

(p) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is not impounded pursuant to Section 22655.5. A vehicle so removed from the highway or public land, or from private property after having been on a highway or public land, shall not be released to the registered owner or his or her agent, except upon presentation of the registered owner’s or his or her agent’s currently valid driver’s license to operate the vehicle and proof of current vehicle registration, *to the impounding law enforcement agency*, or upon order of a court.

1 (q) When a vehicle is parked for more than 24 hours on a portion
2 of highway that is located within the boundaries of a common
3 interest development, as defined in subdivision (c) of Section 1351
4 of the Civil Code, and signs, as required by paragraph (1) of
5 subdivision (a) of Section 22658 of this code, have been posted
6 on that portion of highway providing notice to drivers that vehicles
7 parked thereon for more than 24 hours will be removed at the
8 owner's expense, pursuant to a resolution or ordinance adopted
9 by the local authority.

10 (r) When a vehicle is illegally parked and blocks the movement
11 of a legally parked vehicle.

12 (s) (1) When a vehicle, except highway maintenance or
13 construction equipment, an authorized emergency vehicle, or a
14 vehicle that is properly permitted or otherwise authorized by the
15 Department of Transportation, is stopped, parked, or left standing
16 for more than eight hours within a roadside rest area or viewpoint.

17 (2) Notwithstanding paragraph (1), when a commercial motor
18 vehicle, as defined in paragraph (1) of subdivision (b) of Section
19 15210, is stopped, parked, or left standing for more than 10 hours
20 within a roadside rest area or viewpoint.

21 (3) For purposes of this subdivision, a roadside rest area or
22 viewpoint is a publicly maintained vehicle parking area, adjacent
23 to a highway, utilized for the convenient, safe stopping of a vehicle
24 to enable motorists to rest or to view the scenery. If two or more
25 roadside rest areas are located on opposite sides of the highway,
26 or upon the center divider, within seven miles of each other, then
27 that combination of rest areas is considered to be the same rest
28 area.

29 (t) When a peace officer issues a notice to appear for a violation
30 of Section 25279.

31 (u) When a peace officer issues a citation for a violation of
32 Section 11700 and the vehicle is being offered for sale.

33 (v) (1) When a vehicle is a mobile billboard advertising display,
34 as defined in Section 395.5, and is parked or left standing in
35 violation of a local resolution or ordinance adopted pursuant to
36 subdivision (m) of Section 21100, if the registered owner of the
37 vehicle was previously issued a warning citation for the same
38 offense, pursuant to paragraph (2).

39 (2) Notwithstanding subdivision (a) of Section 22507, a city or
40 county, in lieu of posting signs noticing a local ordinance

1 prohibiting mobile billboard advertising displays adopted pursuant
2 to subdivision (m) of Section 21100, may provide notice by issuing
3 a warning citation advising the registered owner of the vehicle that
4 he or she may be subject to penalties upon a subsequent violation
5 of the ordinance, that may include the removal of the vehicle as
6 provided in paragraph (1). A city or county is not required to
7 provide further notice for a subsequent violation prior to the
8 enforcement of penalties for a violation of the ordinance.

9 (w) (1) When a vehicle is parked or left standing in violation
10 of a local ordinance or resolution adopted pursuant to subdivision
11 (p) of Section 21100, if the registered owner of the vehicle was
12 previously issued a warning citation for the same offense, pursuant
13 to paragraph (2).

14 (2) Notwithstanding subdivision (a) of Section 22507, a city or
15 county, in lieu of posting signs noticing a local ordinance regulating
16 advertising signs adopted pursuant to subdivision (p) of Section
17 21100, may provide notice by issuing a warning citation advising
18 the registered owner of the vehicle that he or she may be subject
19 to penalties upon a subsequent violation of the ordinance that may
20 include the removal of the vehicle as provided in paragraph (1).
21 A city or county is not required to provide further notice for a
22 subsequent violation prior to the enforcement of penalties for a
23 violation of the ordinance.

24 ~~SEC. 33.~~

25 *SEC. 35.* Section 27314.5 of the Vehicle Code is repealed.

26 *SEC. 36.* *Section 29004 of the Vehicle Code is amended to*
27 *read:*

28 29004. (a) (1) Except as required under paragraph (2), a towed
29 vehicle shall be coupled to the towing vehicle by means of a safety
30 chain, cable, or equivalent device in addition to the regular drawbar,
31 tongue, or other connection.

32 (2) A vehicle towed by a tow truck shall be coupled to the tow
33 truck by means of at least two safety chains in addition to the
34 primary restraining system. The safety chains shall be securely
35 affixed to the truck frame, bed, or towing equipment, independent
36 of the towing sling, wheel lift, or under-reach towing equipment.

37 (3) A vehicle transported on a slide back carrier ~~or conventional~~
38 ~~tow truck or on a trailer~~ shall be secured by at least four tiedown
39 chains, straps, or an equivalent device, independent of the winch
40 or loading cable. This subdivision does not apply to vehicle bodies

1 that are being transported in compliance with Sections 393.100 to
2 393.136, inclusive, of Title 49 of the Code of Federal Regulations.

3 (b) All safety connections and attachments shall be of sufficient
4 strength to control the towed vehicle in the event of failure of the
5 regular hitch, coupling device, drawbar, tongue, or other
6 connection. All safety connections and attachments also shall have
7 a positive means of ensuring that the safety connection or
8 attachment does not become dislodged while in transit.

9 (c) No more slack may be left in a safety chain, cable, or
10 equivalent device than is necessary to permit proper turning. When
11 a drawbar is used as the towing connection, the safety chain, cable,
12 or equivalent device shall be connected to the towed and towing
13 vehicle and to the drawbar so as to prevent the drawbar from
14 dropping to the ground if the drawbar fails.

15 (d) Subdivision (a) does not apply to a semitrailer having a
16 connecting device composed of a fifth wheel and kingpin assembly,
17 and does not apply to a towed motor vehicle when steered by a
18 person who holds a license for the type of vehicle being towed.

19 (e) For purposes of this section, a “tow truck” includes both of
20 the following:

21 (1) A reposessor’s tow vehicle, as defined in subdivision (b)
22 of Section 615.

23 (2) An automobile dismantler’s tow vehicle, as defined in
24 subdivision (c) of Section 615.

25 (f) A vehicle towed by a reposessor’s tow vehicle, as defined
26 in subdivision (b) of Section 615, is exempt from the multisafety
27 chain requirement of paragraph (2) of subdivision (a) so long as
28 the vehicle is not towed more than one mile on a public highway
29 and is secured by one safety chain.